

Minutes of the Land Use, Parks and Environment Committee - April 19, 2005

The meeting was called to order at 8:45 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings (arrived at 8:50 a.m.), Scott Klein, Bill Kramer, Daniel Pavelko, Vera Stroud, Pauline Jaske

Staff Present: Legislative Policy Advisor Mark Mader, Legis.Associate Sandra Meisenheimer

Also Present: Parks and Land Use Director Dale Shaver, Planning & Zoning Mgr. Dick Mace, Land Resources Mgr. Perry Lindquist, Environmental Health Mgr. George Morris, Public Works Engineering Services Mgr. Gary Evans, Senior Civil Engineer Paul Barthel, Corporation Counsel Tom Farley, Principal Assistant Corporation Counsel Debbie Price, County Executive Chief of Staff Allison Bussler, Chairman Jim Dwyer, County Board Supervisors Pat Haukohl, Ken Herro, Jim Jeskewitz, Andy Kallin, Mareth Kipp, Dick Manke, Joe Marchese, Bonnie Morris, Duane Paulson, Duane Stamsta, Barbara Roncke, Rodell Singert, Dave Swan, Office Services Coordinator Donna Walbert, Court Reporter Laura Kolnik

Public Present: Renee Bowerman of Lynne Broydrick Group on behalf of Aurora; John Bieberitz, Traffic Analysis & Design; Henry Elling, Planner/Manager of Town of Summit; Dan Warren, Pabst Farms Development Manager; Dean Frederick of Brookfield; Len Susa, Chairman of Town of Summit; Lloyd Williams of Waukesha; Richard Kobriger, Attorney for S & T North Shore

Consider Proposed Resolution: 160-R-001 Year 2005 - Approval of Amendments to the Waukesha County Development Plan – (Consider 2005 County Development Plan Amendment Request – Aurora Health Care Proposal in Town of Summit will be addressed first)

Motion: Kolb moved, second by Jaske, to approve Resolution 160-R-001. **Motion defeated 2-5; Cummings, Jaske, Klein, Kramer and Stroud voting no.**

Consider Proposed Ordinance: 160-O-001 Amend the District Zoning Map of the Town of Summit Zoning Ordinance by Conditionally Rezoning Certain Lands Located in Part of the SE ¼ of Section 15, T7N, R17E, Town of Summit, from the A-2 Agricultural District to the IN Institutional District (ZT-1564) – (Aurora Health Care Proposal in Town of Summit)

Motion: Jaske moved, second by Pavelko, to approve Ordinance 160-O-001. **Motion defeated 2 – 5; Cummings, Jaske, Klein, Kramer and Stroud voting no.**

Note: A transcript of Resolution 160-R-001 and Ordinance 160-O-001 was taken by Court Reporter Laura Kolnik. It is available in the Parks and Land Use Department.

The committee recessed at 10:25 a.m. and reconvened at 10:42 a.m.

Consider Proposed Resolution: 160-R-001 Year 2005 - Approval of Amendments to the Waukesha County Development Plan (All other recommendations for approval other than request by Aurora Health Care)

Mace briefly reviewed each of the following amendment requests:

In the Town of Brookfield:

S & T North Shore, LLC.

One of the petitioners (Jim Tessmer) answered questions from the committee. **Motion:** Kramer moved, second by Cummings, to tentatively approve the request from S & T North Shore. This property is owned by Poplar Creek Associates, under contract for purchase and subject to one condition as outlined. **Motion carried 7 – 0.**

J.B.J. Development Company.

Scott Benz of J.B.J. Development Company, Richard Czopp (Administrator) and Robert Flessas (Supervisor) of Town of Brookfield were present to answer questions. Several concerns were discussed by the committee (right # of dwelling units, access to Janacek Road, extending/relocation of Elizabeth Court, height of buildings being reduced). Mace discussed the pond on the property and whether it is navigable. Jaske said if the State indicates that a light is necessary, the developer should pay for it. **Motion:** Cummings moved, second by Klein, to table the request from J.B.J. Development Company. **Motion carried 7 – 0.** This amendment request will come back as a separate resolution.

In the Town of Genesee:

Donald J. Murn.

Motion: Kramer moved, second by Klein, to tentatively approve the request from Donald J. Murn subject to one condition as outlined in the resolution. **Motion carried 7 – 0.**

The Waukesha County Department of Parks and Land Use.

Motion: Stroud moved, second by Kramer, to tentatively approve the request from the Parks and Land Use Department for the property owned by William and Patricia Johns. **Motion carried 7 – 0.**

In the Town of Lisbon:

The Town Board of Lisbon.

Motion: Klein moved, second by Pavelko, to tentatively approve the Town Board of Lisbon request. This request is for incorporation into the Waukesha County Development Plan, the recently adopted Land Use Plan prepared for the entire Town of Lisbon, in response to an inter-municipal agreement between the Town of Lisbon and the Village of Sussex. **Motion carried 7 – 0.**

In the Town of Oconomowoc:

The Oconomowoc Town Board and Plan Commission, request that changes either to the Land Use category or conditions of the existing land use category for seven properties in the Town of Oconomowoc, be amended as modified and set forth in the Town Planners Report and Recommendation dated December 28, 2004. The properties in question include:

Edward Weide property.

Motion: Klein moved, second by Kramer, to tentatively approve the request for the Edward Weide property subject to two conditions as outlined in the resolution. **Motion carried 7 – 0.**

David Robinson property.

Motion: Klein moved, second by Kramer, to tentatively approve the request for the David Robinson property subject to four conditions as outlined in the resolution. **Motion carried 6 – 1; Cummings voting no.**

Rodney Barnes.

Motion: Pavelko moved, second by Klein, to tentatively approve the request for Rodney Barnes. **Motion carried 7 – 0.**

Donald and Kay Kratz.

Motion: Kramer moved, second by Klein, to tentatively approve the request for Donald and Kay Kratz subject to three conditions. To Haukohl and Klein's concerns, Mace replied they felt the change from 5 acres to 3 acres was a good change/alternative or buffer being that it is right next to a very dense development of ½ acre density. This was also a previous commitment on the part of the Town. **Motion carried 5 – 2; Cummings and Jaske voting no.**

Claude and Terrance Sondag / Larry and Joanne Jones.

Motion: Klein moved, second by Pavelko, to tentatively approve the request for Sondag and Jones.

Motion: Klein moved, second by Jaske, to amend the request and delete A-1 in Line 166 on Page 4 of the resolution. **Motion carried 7 – 0. On the motion, carried as amended 7 – 0.**

Herbert and Mary Jochims.

Motion: Jaske moved, second by Kramer, to tentatively approve the request for Herbert and Mary Jochims subject to three conditions as outlined. **Motion carried 7 – 0.**

In the Town of Summit:

The Summit Town Board and Plan Commission.

Motion: Klein moved, second by Pavelko, to tentatively approve the request by the Summit Town Board and Plan Commission regarding the two areas as outlined. **Motion carried 7 – 0.**

Lloyd Williams.

Motion: Klein moved, second by Pavelko, to tentatively approve the request for Lloyd Williams subject to one condition. Dean Frederick gave some explanations and asked questions. Mace explained the area that shall be limited to not more than two units per acre. He said they also want at least 100' separation distance from the right of way of Silver Maple Lane to the back yards of the condo units. **Motion carried 7 – 0.**

In the Town of Vernon:

The Vernon Town Board and Plan Commission.

Motion: Pavelko moved, second by Jaske, to tentatively approve the request for the Vernon Town Board and Plan Commission. This will incorporate the new 2010 Master Plan (revision of the original 1993 Town of Vernon Master Plan) for the Town of Vernon and be adopted as an amendment to the Waukesha County Development Plan. Only those portions of the new 2010 Plan outside of the Village of Big Bend extraterritorial planning area shall be included with four exceptions as outlined.

Mace explained that a memo and a colored map were sent to the committee, dated April 14, 2005, regarding the Town of Vernon Land Use Plan Amendment to the Waukesha County Development Plan 2005 that summarizes all of the issues. **Motion carried 7 – 0.**

Motion: Kramer moved, second by Klein, to approve Resolution 160-R-001, except for Aurora Health Care in the Town of Summit and J.B.J. Development Company in the Town of Brookfield, which was tabled. **Motion carried 7 – 0.**

Consider Proposed Resolution: 160-R-002 Year 2005 - Denial of Amendments to the Waukesha County Development Plan

Motion: Klein moved, second by Pavelko, to approve Ordinance 160-R-002. Kramer left the meeting at 12:10 p.m. **Motion carried 6 – 0.**

Consider 160-O-002: Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map of the Town of Oconomowoc, by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 36, T8N, R17E, Town of Oconomowoc, from the R-3 Residential District to the B-2 Local Business District (SZ-1559) - *Referred back to the Park and Planning Commission on 3/15/05*

Mace explained that the Park and Planning Commission did not change their original decision regarding Condition #1.

Motion: Klein moved, second by Jaske, to approve Ordinance 160-O-002 as conditioned by the Planning staff and the Park and Planning Commission. **Motion carried 6 – 0.**

Consider 160-O-003: Amend the Waukesha County Shoreland and Floodland Protection Ordinance by Amending Various Sections Pertaining to Building Height and Legal Lots of Record (SZ-1459B)

Mace explained the ordinance. The Planning staff is recommending approval as it will simplify the definition of building height and how it is measured in zoning districts where you may not be able to increase the height by increasing the offsets and setbacks and clarifying the issue of what can be reduced on legal lots of record and to what standard.

Motion: Jaske moved, second by Pavelko, to approve Ordinance 160-O-003. **Motion carried 6 – 0.**

Consider 160-O-004: Amend the Waukesha County Zoning Code by Amending Sections which Pertain to Building Height and Legal Lots of Record (CZ-1459C)

Mace explained the ordinance. The Planning staff is recommending approval for the same reasons as stated in Ordinance 160-O-003.

Motion: Jaske moved, second by Cummings, to approve Ordinance 160-O-004. **Motion carried 6 – 0.**

Approve Minutes of April 5, 2005

Motion: Klein moved, second by Jaske, to approve the minutes of 4/5/05. **Motion carried 6 – 0.**

Read Correspondence

Kolb addressed the following:

1. Letter from Door County regarding the 2005 Beach Contamination Source Identification Techniques Workshop on April 14-15, 2005 at the Landmark Resort in Egg Harbor, Wisconsin.
2. Letter from Samuel Bradt, Commissioner of the North Lake Management District, regarding opposition to the purchase of the Kraus site and support for the Kuchler site for the North Lake public boat launch.

Executive Committee Report by Walter Kolb for Meeting of April 18, 2005

Chair Kolb reviewed items that were discussed and/or considered at the last meeting on 4/18/05.

Motion to Adjourn: Cummings moved, second by Klein, to adjourn the meeting at 12:40 p.m.
Motion carried 6 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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